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OFFICE OF PETITIONS

In re Application of :
Chin-Long Lin et al. :
Application No. 10/614,676 : DECISION ON PETITION
Filed: July 7, 2003 : PURSUANT TO 37 C.F.R.
Attorney Docket No.: 1087- : § 1.182
PROT005011 :
Title: MEMORY BUS ASSIGNMENT :
FOR FUNCTIONAL DEVICES IN AN :
AUDIO/VIDEO SIGNAL PROCESSING :
SYSTEM :
:

This is a decision on the petition filed August 17, 2007,
requesting that the above-identified application be accorded a
different filing date than that which was originally accorded.

The application was filed on July 4, 2003, and was physically
received in the Office on July 7, 2003.

37 C.F.R. § 1.10(a) sets forth, *in toto*:

- (1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
- (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

As such, if an applicant deposits an application with the **United States** Postal Service (USPS), and mails the application via the

Express Mail service of the same, the Office will accord the application a filing date which is the same date as when the application was deposited with the USPS..

With the present petition, Petitioner has asserted that on July 4, 2003, the present application was deposited not with the USPS, but rather with the ROC (Taiwan) Postal System, and the present application was mailed via "ROC (Taiwan) Post Express Mail Service." To evince this assertion, Petitioner has included what appears to be the Taiwanese equivalent of an Express Mail Label. It is noted that this label bears the same serial number as that which appears on the Transmittal Sheet that was included on filing.

It appears that the present application was deposited with a Postal System that was other than the USPS. As such, Rule § 1.10(a) is not applicable, and the Office should have accorded the actual date of receipt as the filing date. Accordingly, the petition is **GRANTED**.

No petition fee is necessary, and the \$400.00 petition fee has not been charged to Petitioner's Deposit Account.

The Office of Initial Patent Examination (OIPE) will be notified of this decision so that the application may receive further processing with a filing date of July 7, 2003.

OIPE will issue a corrected filing receipt.

OIPE will then notify the Office of Patent Publications of this decision (a Notice of Allowance and Issue Fee Due was mailed on June 28, 2007 - as of the mailing of this decision, neither the issue nor the publication fee has been received.)

The general phone number for OIPE is 571-272-4000. The general phone number for the Office of Patent Publication at 571-272-4200. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Shanoski
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